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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,055	06/22/2006	Gerhard Olbert	292090US0PCT	4622

22850 7590 08/13/2009  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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JOHNSON, KEVIN M

ART UNIT	PAPER NUMBER
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1793

NOTIFICATION DATE	DELIVERY MODE
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08/13/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The final rejection set forth in the office action mailed on 5/5/2009 applies to the amended claims. The Iwanaga reference was relied upon for the teaching of a process for the production of chlorine in which excessive hot spot formation in the catalyst layer is suppressed (rejection of claims 1 and 7). As the new limitation contained in the amendment has been previously addressed, the grounds of rejection in the office action mailed 5/5/2009 still apply.

### ***Response to Arguments***

2. Applicant's arguments filed 7/31/2009 have been fully considered but they are not persuasive.

The argument that by utilizing at least two reaction zones the process disclosed by Iwanaga must be ineffective at reducing hot spots. This is in direct opposition to the disclosure of the reference, in which it is clearly stated that the excessive hot spots in the catalyst packed layer are suppressed as a result of the process (abstract). The applicant discloses that in some situations a multiple reactor system may be used in the instant process (claim 7). Following the reasoning of the argument against Iwanaga, simply utilizing more than one of the reactors disclosed in the instant application to carry out the process the effectiveness of the reactors to suppress hot spots would be reduced. Without any scientific data presented as to the effectiveness of the instant process' ability to suppress hot spots compared to the effectiveness of the processes disclosed by the prior art, the efficacy of the processes with respect to each other can

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not be adequately gauged as what applicants consider a satisfactory reduction of hot spots is not necessarily the same as what Iwanaga considers to be an effective suppression of hot spots.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a single reaction zone) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There is no language in the instant claims that excludes a reactor composed of multiple zones from being employed in the process. Applicant is reminded that if they believe that the use of a single reaction zone differentiates the instant process from the prior art, such a limitation should be incorporated in to the claims so that it may be properly considered.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. JOHNSON whose telephone number is (571)270-3584. The examiner can normally be reached on Monday-Friday 7:30 AM to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M Johnson/  
Examiner, Art Unit 1793

/J.A. LORENZO/  
Supervisory Patent Examiner, Art  
Unit 1793